

State of South Dakota

NINETIETH SESSION LEGISLATIVE ASSEMBLY, 2015

793W0390

SENATE BILL NO. 83

Introduced by: Senators Ewing, Brown, Cammack, Haggar (Jenna), Hunhoff (Bernie), Jensen (Phil), Monroe, Olson, Parsley, Rampelberg, Rave, Rusch, and Tieszen and Representatives Johns, Beal, Campbell, Feickert, May, Peterson (Kent), Romkema, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to authorize a board of county commissioners to designate
2 certain section line roads and secondary roads as no maintenance and to revise certain
3 provisions to vacate, change, or locate a highway by a board of county commissioners.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 31-13-1.4 be amended to read as follows:

6 31-13-1.4. The board of township supervisors or board of county commissioners may
7 designate an unimproved section line not maintained for vehicle travel as a no maintenance
8 section line. The board shall identify the beginning and end point of the section line designated
9 as no maintenance. The board does not have any responsibility on a no maintenance section line
10 except to require removal or remediation of a manmade obstruction, if needed, to maintain the
11 public access.

12 Section 2. That § 31-13-1.5 be amended to read as follows:

13 31-13-1.5. The board of township supervisors or board of county commissioners shall post
14 signs on a no maintenance section line to notify the motoring public that it is a no maintenance



1 section line and that no travel is advised. The signs shall be posted at each entry point and at
2 regular intervals along a no maintenance section line. A properly posted sign is prima facie
3 evidence that adequate notice of a no maintenance section line has been given to the motoring
4 public.

5 Section 3. That § 31-12-26 be amended to read as follows:

6 31-12-26. Each board of county commissioners and county superintendent of highways in
7 organized counties shall construct, repair, and maintain all secondary roads within the counties
8 not included in any municipality, organized civil township, improvement district organized
9 pursuant to chapter 7-25A, or county road district organized pursuant to chapter 31-12A. The
10 board of county commissioners may designate any portion of the county's secondary road system
11 as a no maintenance road. The board shall identify the beginning and end point of the road
12 designated as no maintenance. The board does not have any responsibility on a no maintenance
13 secondary road except to require removal or remediation of any manmade obstruction, if
14 needed, to maintain the public access. A properly posted sign is prima facie evidence that
15 adequate notice of a no maintenance secondary road has been given to the motoring public.

16 Section 4. That § 31-3-6 be amended to read as follows:

17 31-3-6. Upon receiving the petition of two or more voters of an organized civil township or
18 of the number of voters equal to or greater than one percent of the ballots cast for the last
19 gubernatorial election in the affected county, the board of supervisors of the township or the
20 board of county commissioners wherein the highway is located or is proposed to be located may,
21 except as provided in §§ 31-3-12 and 31-3-44, vacate, change, or locate any highway located
22 or to be used within the township or county, if the public interest will be better served by the
23 proposed vacating, changing, or locating of the highway. The petition of the voters shall set
24 forth the beginning, course, and termination of the highway proposed to be located, changed,

1 or vacated, together with the names of the owners of the land through which the highway may
2 pass. The petition is not required if a board of county commissioners, by resolution, initiates a
3 proposed vacation, change, or location of a highway. In such a case, all other procedural
4 requirements provided for in this chapter shall apply.